



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Kocur et al.

Confirmation No.:

5627

Serial No .:

10/633,864

Art Unit:

1733

Filed:

August 4, 2003

Examiner: Fischer, Justin R.

For:

STENT WITH CHANNEL(S) FOR CONTAINING AND DELIVERING A Attorney Docket No.:

10177-219-999

BIOLOGICALLY ACTIVE MATERIAL

CAM No.:

008563-999216

AND METHOD FOR

MANUFACTURING THE SAME

THIRD INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

۱.	Enclosures accom	canying this	Information	Disclosure	Statement are:

1a.	\boxtimes A list of all patents, publications, applications, or other information submitted for
	consideration by the office.

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1 h	Δ	legible	CODY	Λť

	For each cited pending U.S. application filed before June 30, 2003, the
_	application specification including the claims, and any drawing of the application,
	or portion of the application which caused it to be listed on the PTO-1449
	including any claims directed to that portion;

Each publication or that portion which caused it to be listed on the PTO-1449;

lc.	An English language copy of search report(s) from a counterpart foreign
	application or PCT International Search Report.

1 d .	Explanations of relevancy (ATTACHMENT 1(d), hereto) or English langu	ıage
	abstracts of the non-English language publications.	

- Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the cited U.S. patents and U.S. le. patent application publications are not submitted herewith.
- This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b): 2. П

		continued prosecution application under §1.53(d);
		Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
		☐ Before the mailing of the first Office action on the merits;
		Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3.	under (This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the specified in 37 C.F.R §1.97(b), but before the mailing date of any of a final action 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that rise closes prosecution in the application.
		(Check either Item 3a or 3b)
	3a.	☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
	3b.	∑ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
		 ☐ enclosed ☑ to be charged to Jones Day Deposit Account No. 50-3013.
		(Item 3b to be checked if any reference known for more than 3 months)
4.	period	This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
	The Ce	ertification Statement in Item 5 below is applicable.
		The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is: enclosed.
		☐ to be charged to Jones Day Deposit Account No. 50-3013
5.		Certification Statement (applicable if Item 3a or Item 4 is checked)
		(Check either Item 5a or 5b)
	5a.	In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
	5b.	Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
	5c.	Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

6.		This application is a continuation application under 37 C.F.R. §1.53(b) or (d).
		(Check appropriate Items 6a, 6b and/or 6c)
	6a.	☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
	6b.	Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
	6c.	Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7.		This is a Supplemental Information Disclosure Statement. (Check Item 7a)
	7a.	This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on August 3, 2003. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on August 3, 2003.
8.	underst	In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently tood to be the relevance of each non-English language publication is:
		(Check Item 8a, 8b, or 8c)
	8a.	satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
	8b.	set forth in the application.
	8c.	enclosed as an attachment hereto.
9.		The Commissioner is authorized to charge any additional fee required or credit any yment for this Information Disclosure Statement and/or Petition to Jones Day Deposit No. 50-3013.

10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability and no representation is made that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: July 1, 2005

27,469

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44,516

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Enclosure

JUL 0 1 2005 W

LIST OF REFERENCES CITED BY APPLICANTS

(Use several sheets if necessary)

 ATTY. DOCKET NO. 10177-219-999	APPLICATION NO.
APPLICANT Kocur et al.	
FILING DATE August 4, 2003	GROUP 1733

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
-	A01	5,891,108	4/6/99	Leone et al.			
•	A02	6,071,305	6/6/00	Brown et al.			
	A03	6,096,070	8/1/00	Ragheb et al.			
•	A04	6,273,908	8/14/01	Ndondo-Lay			
	A05	6,273,913	8/14/01	Wright et al.			
	A06	6,287,628	9/11/01	Hossainy et al.			
	A07	6,395,326	5/28/02	Castro et al.			
	A08	6,491,666	12/10/02	Santini, Jr. et al.			
	A09	6,558,422	5/6/03	Baker et al.			
	A10	6,638,302	10/28/03	Curcio et al.			
	A11	6,709,379	3/23/04	Brandau et al.			
	A12	6,752,829	6/22/04	Kocur et al.			-
	A13	20020038146	3/28/02	Harry			-

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSL	TRANSLATION	
						YES	NO	
B01								
B02								
B03		 						
B04								
B05								
B06								
B07								
B08								
B09								

OTHER REFERENCES	(Including A	uthor, Title,	Date, Pertinent	Pages,	Etc.)
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C01			,		
C02	!				
C03					

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.